

Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room
100 Maple Avenue
Monday, August 6, 2007 at 7:00 PM

Minutes

Present:

Bruce Card, Maurice DePalo, John Lebeaux, James McCaffrey, Moira Miller, and Daniel Morgado, Town Manager. Mr. DePalo called the meeting to order at 7:03pm.

Preliminaries:

1. Approve bills, payrolls and warrants, #07107S in the amount of \$500,875.86, #0803 in the amount of \$328,291.89, #0809 in the amount of \$603,483.27, and #0812 in the amount of \$1,019,733.31. Motion made, seconded and unanimously approved.
2. Approve minutes July 9, 2007 and July 30, 2007. Motion made, seconded and unanimously approved.
3. Announcements: Mr. DePalo announced the recent passing of Judge Francis P. O'Connor. Judge O'Connor served as a Justice of the Massachusetts Supreme Judicial Court and the Massachusetts Superior Court. A long time Shrewsbury resident, he was a Town Meeting Member and served on the Zoning Board of Appeals. The Board extends sincere condolences to his wife and ten children. Mr. DePalo congratulated Asst. Town Clerk Sandra Wright who recently completed three years at the N.E. Municipal Clerk's Institute. The class votes for one of their members to receive an award and another to receive a \$950 scholarship to attend the Academy next year. She was selected to receive the scholarship. Mr. DePalo announced that that Centech Blvd. and Green Street will be closed to all through traffic commencing on August 15th for a period of approximately two months. The roads will be closed from the intersection of Route 20 south to the intersection of Pine Street. Residents of Green Street will have full access to their property from Route 20 in Shrewsbury. The roads will be closed to allow for water and sewer work in Centech Blvd. and Green Street to Centech Park East. Residents using Centech Blvd. to access the MBTA commuter rail station in Grafton are advised to travel to Route 140 south to Route 30 west in Grafton. Questions on this project can be directed to Michael Hale, Asst. Town Manager, at 508-841-8508. Mr. McCaffrey announced that the founders of the Spirit of Shrewsbury Fall Festival, Joyce Perreault, Sue Falzoi, and Sue DiLeo have been chosen as Grand Marshals of the 2007 Festival. Congratulations to them for being chosen and for all their hard work to make the festival a successful annual event.
4. Town Manager's Report. Nothing other than what is on the Agenda.

Meetings:

5. 7:00pm – 40B Project Discussion & Action. Mr. Lebeaux recused himself from the discussion to avoid the appearance of conflict of interest. Mr. McCaffrey advised that he had requested and received an opinion from Town Counsel Leader in respect to whether he had a conflict of interest as a member of the Board and an employee of Mirick, O'Connell, which represents one of the applicants. Town Counsel has advised him to recuse himself from any further deliberations. Mr. McCaffrey recused himself from the discussion. Mr. DePalo advised that the plan this evening was to decide which project/projects would proceed to the next step, a public hearing on August 13th. The Board had received input from department heads and committee chairs and is now at the point where we are ready to move forward. Three FRIs were received, two proposals were for sites in the Lakeway District and would be combinations of residential and commercial development and a third proposal was for a mixed income rental development to be located at the end of Centech Drive. Mr. Morgado advised the Board that the developer for the Spags/Bldg. 19 property had notified the town that they would not be able to meet the time line and are not ready to proceed at this time. Two projects remain, the Fairfield Residential project which would be located on a 27 acre parcel between Route 9, Oak Street and Maple Avenue and would be a mixed development of 335 residential units and 164,000 sq. ft. of retail and commercial space and the AvalonBay Communities proposal which would be a mixed income rental community of 440-500 units located off Centech Blvd. and Green Street. After a discussion, the Board voted unanimously to invite AvalonBay Communities and Fairfield Residential to

come in and participate in the public hearing scheduled for next Monday, August 13th at 7:00pm in this room.

Mr. DePalo called a recess at 7:55pm. The meeting reconvened at 8:04pm and Mr. Lebeaux and Mr. McCaffrey rejoined the meeting.

Public Hearings:

Old Business:

6. Edgemere Diner. Mr. DePalo advised that the first round to solicit proposals had not been productive. The Board agreed that perhaps the bid had been confusing and the price too high and they should try again. Mr. Lebeaux noted that the Board's goal is to find, through the bidding process, someone who wishes to operate the diner at this location rather than moving it to a different location. Mr. Card added that residents in the area would like to see the diner remain on the site and become a viable operation once again. A discussion ensued on what should be the purchase price for the diner and the amount and terms of the lease. Motion was made to put out an invitation to bid for the Edgemere Diner. Purchase price for the diner \$5,000.00. Amount of lease for the land \$1,000.00 per month. Term of the lease to be twenty (20) years with the stipulation that the diner remain on the site for the duration of the lease. Bidders to post a bond of \$5,000.00. Motion was seconded and unanimously voted. Motion was made to declare the property at 51 Hartford Turnpike as available for disposition and set forth restrictions of the use of the property as contained within the specification entitled "Specification For the Sale of the Former Edgemere Diner Car and Appurtenances and Land Lease of 51 Hartford Turnpike" dated April 2007 as amended. Motion was seconded and unanimously voted.
7. Request to Purchase Open Space Property. Mr. DePalo reviewed a request from Andrew Kyriacou, 24 Waterville Lane, to purchase a portion of town owned land designated as open space. The Board had previously denied this request. Mr. Lebeaux said he would like to know the size of the parcel that Mr. Kyriacou wants to purchase. The Board discussed whether they wished to change their policy of not selling town land under any conditions. Motion was made to enter into a discussion with Andrew Kyriacou, 24 Waterville Lane, for the purpose of selling a portion of town owned land. Motion was seconded and voted two in favor and three opposed. Motion was defeated. Resident to be advised of the Board's decision.
8. Response from Town Engineer Perreault, Police Chief Hester & Sgt. Kevin Anderson re Topsfield Circle. Mr. DePalo reviewed the report from Town Engineer Perreault, Chief Hester and Sgt. Anderson which recommended that Topsfield Circle not be designated as a one way street. The Board concurred with the recommendation. The resident will be informed.
9. MMA Annual Membership Dues for FY 2008. After a short discussion on whether it was wise under the current budget conditions to renew the town's membership, the Board decided to renew for the current fiscal year. However, next year may be a different story. Motion was made, seconded and unanimously voted to approve the MMA Annual Membership Dues for FY 2008.

New Business:

10. Pepper's Fine Foods Catering, 43 Hudson Street, Northborough, MA 01532, One Day all Alcohol License for rehearsal dinner at Donahue Rowing Center, 237 No. Quinsigamond Ave., Friday, August 17, 2007 from 6:00pm to 12:00 midnight. Mr. DePalo noted that Parks Director Angela Snell had advised the Board that the Rowing Center closes at 11:00pm; therefore the license should be from 6:00pm to 11:00pm not midnight as stated in the application. Motion was made to approve the application of Pepper's Fine Foods Catering for a One Day All Alcohol License at Donahue Rowing Center on Friday, August 17, 2007 from 6:00pm to 11:00pm. Motion was seconded and unanimously voted.
11. Struck Catering, 130 Hamilton Street, Worcester, MA, One Day All Alcohol License for event at Hoagland-Pincus Conference Center **not** Donahue Rowing Center, 222 Maple Avenue, Thursday, August 9, 2007 from 5:00pm to 10:00pm. Motion was made, seconded and voted to approve the application of Struck Catering for a One Day All Alcohol License for the date and hours as stated. Motion was seconded and voted four in favor with one abstention

Executive Session:

12. Collective bargaining, pending litigation and value of real property.

Communications:

13. Noted copy mailed: Senator Kerry's Monthly Recap – May & June 2007.
14. Noted copy mailed: Notice from DEP re Availability of Waste Site Cleanup Technical Assistance Grants.
15. Noted copy mailed: Letter from Thomas Paquette, Paquette Realty, LLC re Bean Counter Bakery. Forward to Board of Health and Building Inspector.
16. Noted copy mailed: Veolia Monthly Compliance Report, June 2007.
17. Noted copy mailed: Planning Board Meeting Minutes, 6/7/07.
18. Noted copy mailed: Conservation Commission Meeting Minutes, 6/19/07.
19. Noted copy mailed: Fax from ABCC re Zante, Inc. d/b/a Sophie's – Notice of Hearing & Notice of Suspension.
20. Noted copy mailed: Letter from MSBA re Statement of Interest Prioritization.
21. Noted copy mailed: Letter from Dept. of Telecommunications & Cable re Reorganization Plan, Chapter 19 of the Acts of 2007.
22. Noted copy mailed: CMMPO Meeting Notice & Agenda, 8/1/07. Mr. DePalo attended.
23. Noted copy mailed: July Municipal Benchmark Newsletter.
24. Noted copy mailed: Request from Sam Brooks & Julie Lussier to use the Gazebo in Town Common for their wedding on September 15, 2007. It is not within the Board's authority to approve or disapprove the request as the Town Common is a public area and persons are free to assemble as they deem appropriate. Mr. Brooks & Ms. Lussier will be advised.
25. Noted copy mailed: Letter from Rena & Charles Mayberry, 57 Walnut Street, re damage due to sewer malfunction. Mr. Morgado will look into.
26. Noted copy mailed: MMA Action Alert #9, 7/19/07 re H. 2531, Manning Bill for Firefighters. Letter sent, see item #27.
27. Noted copy mailed: Letter from Mr. Morgado to Rep. Polito & Sen. Augustus re House Bill 2531 "An Act Relative to Labor Relations."
28. Noted copy mailed: ZBA Hearing Minutes, 6/5/07, Howard Garshman, 677 South Street.
29. Noted copy mailed: ZBA Hearing Minutes, 6/5/07, Envision Homes, 19 Edgemere Blvd.
30. Noted copy mailed: ZBA Hearing Minutes, 6/26/07, David & Saipin Favre, 2 Amberly Lane.
31. Noted copy mailed: ZBA Hearing Minutes, 6/26/07, Raj Dharampuriya & Kayita Navani, 37 Farmington Drive.
32. Noted copy mailed: E-mail from Sen. Augustus re Update on new GIC & Pension laws.
33. Noted copy mailed: Request from Shrewsbury Public Library Advisory Team (SPLAT) to use the Town Common on Friday, August 24, 2007 (rain date Saturday, August 25th) for a concert as an end of the summer reading program. Motion was made, seconded and unanimously voted to approve
34. Noted copy mailed: Planning Board Meeting Agenda, 8/2/07.
35. Noted copy mailed: Letter from Mr. Morgado to Frank Lizzotte, 120 Worthington Avenue, re tree trimming.
36. Noted copy mailed: ZBA Hearing Agenda, 8/14/07.
37. Noted copy mailed: Notice from Dept. of Telecommunications & Cable re Appointment of new Secretary, Catrice Williams.
38. Noted copy mailed: 495/MetroWest Corridor Partnership Annual Report and related materials.
39. Noted copy mailed: Local Update of Census Addresses (LUCA) Technical Training Announcement. Forward to Town Clerk.
40. Noted copy mailed: Letter from Sean Libbey, 190 Cherry Street, re traffic. Forward to Police Dept. And Town Engineer.
41. Noted copy mailed: E-mail from Ken Milley, 108 Francis Avenue, re Rubbish. Mr. Morgado will respond.
42. Noted copy mailed: Letter from Town Moderator reappointing Anthony A. Froio to the Personnel Board for additional term.
43. Noted copy mailed: Letter from Town Moderator Kevin Byrne reappointing Gene Buddenhagen & Clare O'Connor to the Finance Committee for additional three year terms.

44. Noted copy mailed: Request from Sam Levine, 63 Lamplighter Drive, to use Town Common and Gazebo for 2nd Annual Candlelight Vigil on Tuesday, September 11th at 8:00pm. It is not within the Board's authority to approve or disapprove the request as the Town Common is a public area and persons are free to assemble as they deem appropriate. Mr. Levine will be advised.
45. Noted copy mailed: Request from residents of Fairlawn for Stop Sign corner of Sias Avenue & Tatum Road. Forward to Police Dept. and Town Engineer.
46. Noted copy mailed: Monthly Grant Update from Senator Kerry.

Mr. DePalo reminded everyone that there will be a Public Hearing on the two 40B Project Proposals next Monday evening. The meeting will start at 6:45pm in order that the Board can take care of a few other business items and the hearing will begin at 7:00pm.

Motion was made, seconded, and unanimously voted to adjourn at 9:14pm. On a roll call vote Ms. Miller, yes, Mr. Card, yes, Mr. McCaffrey, yes, Mr. Lebeaux, yes, and Mr. DePalo, yes.

Respectfully submitted,

Janice C. McCoy
Secretary